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10/691,319	10/22/2003	Philip D. Nguyen	2003-IP-010380U1	5926				
71/407 ROBERT A. KENT P.O. BOX 1431 DUNCAN, OK 73536	7590 03/03/2010		<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">LIGHTFOOT, ELENA TSOY</td></tr></table>		EXAMINER		LIGHTFOOT, ELENA TSOY	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Request for Reconsideration

The Request for Reconsideration filed on February 15, 2010 after Final Rejection has been entered and considered.

Response to Arguments

Applicant's arguments filed February 15, 2010 have been fully considered but they are not persuasive.

1. The motivation articulated in the Final Office Action is insufficient to support a prima facie case of obviousness.

Applicants submit that the motivation articulated in the Final Office Action for modifying the combination of Nguyen and Beck is insufficient to establish a prima facie case of obviousness. Although Sielcken may discuss that a particular reaction (a hydroformylation reaction) can take place in a stirred tank reactor, a tubular reactor, a non-stirred bubble column, or an internal or external gas-lift loop reactor, there is no discussion in Sielcken that all continuous processes can be carried out using a CSTR or a tubular reactor. The mere fact that Sielcken discusses that a hydroformylation reaction can take place in various reactors is insufficient to motivate a person of ordinary skill in the art to modify Nguyen to include a continuous stream tubular reactor for coating particulates. Thus, the Examiner's motivation to combine these references is insufficient and a prima facie case of obviousness has not been established.

The Examiner respectfully disagrees with this argument. Sielcken teaches: "In case of a batchwise process the reaction zone where hydroformylation takes place can take the form of a **stirred** vessel. In case of a continuous process a **stirred** tank reactor (CSTR), a tubular reactor, a non-stirred bubble column and an internal or external gas-lift loop reactor". (See column 5, lines 61-66). In short, Sielcken teaches that the components for the hydroformylation reaction should be **stirred** during the hydroformylation process, and **any stirring** apparatus that provides adequate stirring of the components would be suitable for the process. Obviously, the above teaching of Sielcken is NOT about particulars a hydroformylation reaction itself, but it is about providing adequate STIRRING of the reaction components during the process. From the above teaching of Sielcken, one of ordinary skill in the art would easily recognize that if a process can take place in a *stirred* tank reactor, i.e. if a *stirred* tank reactor provides adequate

mixing of the components for a process, a tubular reactor would also provide the same level of mixing of the components for **the same process**.

Therefore, since Sielcken teaches that the same hydroformylation process can take place in a stirred tank reactor, a tubular reactor, a non-stirred bubble column, or an internal or external gas-lift loop reactor, one of ordinary skill in the art would easily recognize that if a stirred tank reactor provides necessary level of mixing of components for a process to occur, a tubular reactor would provide the same level of mixing of the components for the same process.

Therefore, in contrast to Applicants argument, the mere fact that Sielcken discusses that a hydroformylation reaction can take place in various reactors is sufficient to motivate a person of ordinary skill in the art to modify Nguyen to include a continuous stream tubular reactor for coating particulates.

2. There is No Reasonable Expectation of Successfully Applying the Techniques of Sielcken to Nguyen and Beck

Applicants submit that Sielcken relates to organic synthesis techniques that, presumably, are performed in a lab or other highly controlled space. In Sielcken, the reaction temperatures and pressures are tightly controlled, and it appears that the reactants are in liquid form (see Sielcken, col. 3, 11. 36-39; col. 5, 11. 29-36). The organic reaction scheme disclosed in Sielcken does not involve the use of anything resembling the particulates discussed in Nguyen and Beck. There is no reasonable expectation that, merely because a continuous tubular reactor is purportedly effective in Sielcken, such a reactor would be successfully used in the particulate coating process of Nguyen and Beck. For example, there is no indication that the tubular reactor could handle the solid particulates of Nguyen and Beck. At least because Sielcken is non-analogous art, and further because there is no reasonable expectation of successfully combining the relevant teachings of Sielcken with Nguyen and Beck, Applicants respectfully submit that a *prima facie* case of obviousness has not been established.

The Examiner respectfully disagrees with this argument. First of all, Nguyen teaches that the solid particulates are preferably suspended *in a carrier liquid* (See column 7, lines 31-32). Second, Nguyen et al teaches that the components of the treating composition can be *blended together* using generally *any* procedure which is commonly used including a *continuous stream* tub mixer. Third, according to Sieleken the components that can be mixed well in a *continuous stream* tub mixer, can also be mixed well in a tubular reactor. Clearly, the nature of components to be mixed is irrelevant, as long as they are capable of mixing well together. Therefore, one of

ordinary skill in the art would have reasonable expectation of success in mixing components of Nguyen et al in a tubular reactor because they mix well in a continuous stream tub mixer.

Therefore, in contrast to Applicants argument, a prima facie case of obviousness has been established.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELENA Tsoy LIGHTFOOT whose telephone number is (571)272-1429. The examiner can normally be reached on Monday-Friday, 9:00AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Elena Tsoy Lightfoot, Ph.D.
Primary Examiner
Art Unit 1792

March 1, 2010

/Elena Tsoy Lightfoot/